

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed on December 30, 2004. Claims 1, 17, and 20 have been amended. Claim 9 has been canceled. The subject matter of claims 1, 17, and 20 is at least supported in originally filed FIGs. 1, 4, and 7 and the related detailed description. Accordingly, no new matter is added to the application. Reconsideration and allowance of the application and presently pending claims 1 – 8 and 10 – 20 are respectfully requested.

Response To Claim Rejections under 35 U.S.C. §102 – Claims 1 – 20

Claims 1 – 20 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Carney *et al.* (U.S. Patent 6,408,278), hereafter *Carney*.

Applicant has canceled claim 9. Accordingly, the rejection of claim 9 is rendered moot.

It is axiomatic that “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference (*i.e.*, *Carney*) to constitute a proper rejection under 35 U.S.C. §102(b).

Applicant’s pending claims, as amended, are not anticipated for at least the reason that the cited reference fails to disclose, teach, or suggest each element in the claims.

For convenience of analysis, independent claim 1, as amended, is repeated below in its entirety.

1. A method for distributing and presenting preferred data on a display device located at a predetermined remote premise, comprising:
 - identifying a user preference;
 - providing a first communication session between a user and a host server, wherein the first communication session transfers the user preference to the host server;
 - selecting preferred data responsive to the transferred user preference;
 - providing a second communication session via a communication link between the host server and a remotely located display device, wherein the second communication*

session transfers the preferred data and a display control parameter to the display device and transfers an indication of one or more operational conditions of the display device to the host server; and

placing the remotely located display device in a presentation mode configured to present the preferred data in response to the display control parameter.

(Applicant's independent claim 1 – *emphasis added*.)

The cited art of record fails to disclose, teach, or suggest at least the emphasized feature of pending claim 1 as shown above. Consequently, claim 1 is allowable.

Carney is entirely silent regarding a display device that transfers an indication of one or more operational conditions of the display device to the host server. For at least this reason, Applicant's claim 1 is allowable over *Carney*.

FIGs. 1 – 6 of *Carney* illustrate various embodiments of a network that include public display devices. In accordance with the detailed description associated with FIG. 1, "Server computer 20, then accepts the programming content to be displayed, or provides services to generate programming content, and communicates the programming content to client computer 25, which in turn renders the programming content on display device 14." (*Carney*, column 3, lines 62 – 67.) Rendering programming content on a display device does not disclose, teach, or suggest a display device that transfers an indication of one or more operational conditions of the display device to the host server.

In accordance with the detailed description associated with FIG. 2, "The geographically dispersed display devices 14a – 14n are accessible from server 20 by way of an Internet connection 22. As such, server 20 can selectively point cast programming content out to display devices 14a – 14n." (*Carney*, column 5, lines 33 – 36.) Selectively point casting programming content out to display devices does not disclose, teach, or suggest a display device that transfers an indication of one or more operational conditions of the display device to the host server.

In accordance with the detailed description associated with FIG. 3, "[a]dditionally, the reservation system may provide information regarding the destination or point of departure of the viewing audience. Such additional destination and departure information can be used to further refine the content of the

programming presented at a given time on a particular display device.” (*Carney*, column 6, lines 24 – 29.) Refining the content in accordance with information in a reservation system does not disclose, teach, or suggest a display device that transfers an indication of one or more operational conditions of the display device to the host server.

In accordance with the detailed description associated with FIG. 4, “[d]ata gathering device 32*b* has been located proximate display device 14*b* to collect data regarding the demographics and so on of the audience of the display device 14*b*.” (*Carney*, column 6, lines 53 – 56.) A demographic data gathering device proximally located to a display device does not disclose, teach, or suggest a display device that transfers an indication of one or more operational conditions of the display device to the host server.

FIG. 5 illustrates and the detailed description describes, an inventory control system. The system operates by identifying display devices 14 in locations matching locations where no excess inventory has been built up or for which, sales information indicates that the product is selling well. “Furthermore, display devices 14 can be selected wherein the data (*e.g.*, 18'*a*) indicates that viewers are destined for location D. For example, display devices 14 at airport gates, such as at airports 12*a* and 12*c*, proximate flights departing for location D could be selected.” (*Carney*, column 7, lines 59 – 63.) Forwarding information regarding an identified location to one or more display devices proximal to an airport gate expected to used to board passengers destined to travel to the location does not disclose, teach, or suggest a display device that transfers an indication of one or more operational conditions of the display device to the host server.

FIG. 6 illustrates an alternative embodiment of an inventory optimization system. As described in lines 22 – 27 of column 8 (*Carney*), “[a]s a result of this inventory to system 20 connection, client B can quickly inform viewers of display devices 14*a*, 14*b*, and 14*c* of the product located in the respective localities when inventory reaches a predefined level.” Forwarding information regarding a product responsive to an inventory level to one or more display devices does not disclose, teach, or suggest a display device that transfers an indication of one or more operational conditions of the display device to the host server.

In contrast, with *Carney*, Applicant's claimed method for distributing and presenting preferred data on a display device located at a predetermined remote premise includes "***providing a second communication session via a communication link between the host server and a remotely located display device, wherein the second communication session transfers the preferred data and a display control parameter to the display device and transfers an indication of one or more operational conditions of the display device to the host server.***" As shown above, each example embodiment apparently described in *Carney* is directed to controllably forwarding programming content to one or more display devices. *Carney* fails to disclose, teach, or suggest at least the emphasized feature of Applicant's independent claim 1.

Because *Carney* fails to disclose, teach, or suggest Applicant's claimed method, which includes a second communication session that transfers preferred data and a display control parameter to the display device and transfers an indication of one or more operational conditions of the display device to the host server, *Carney* does not anticipate Applicant's claimed method. Accordingly, claim 1 is allowable and the rejection of claim 1 should be withdrawn.

Because independent claim 1 is allowable, dependent claims 2 – 8 and 10 – 16 are also allowable, for at least the reason that these claims include all the elements of independent claim 1. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicant respectfully requests that the rejection of claims 1 – 8 and 10 – 16 be withdrawn.

For further convenience of analysis, independent claim 17, as amended, is repeated below in its entirety.

17. A digital image leasing system comprising:
 - means for collecting a plurality of digital images;
 - means for indexing the plurality of digital images;
 - means for recording information reflective of a particular customer;
 - means for providing a mechanism for the particular customer to communicate an image preference;
 - means for selecting a digital image responsive to the image preference;
 - means for communicating the digital image to a display device at a remote location, wherein the display device is configured to enter a presentation mode; and

***means for the display device to transfer information
regarding the display device.***

(Applicant's amended independent claim 17 – *emphasis added*.)

Carney fails to disclose, teach, or suggest at least the emphasized feature of amended claim 17 as shown above. Consequently, claim 17 is allowable.

As shown above, each example embodiment apparently described in *Carney* is directed to controllably forwarding programming content to one or more display devices. *Carney* is entirely silent regarding ***means for the display device to transfer information regarding the display device***. Thus, *Carney* fails to disclose, teach, or suggest at least the emphasized feature of Applicant's independent claim 17.

Because *Carney* fails to disclose, teach, or suggest Applicant's claimed digital image leasing system, which includes a means for the display device to transfer information regarding the display device, *Carney* does not anticipate Applicant's claimed digital image leasing system. Accordingly, claim 17 is allowable and the rejection of claim 17 should be withdrawn.

Because independent claim 17 is allowable, dependent claims 18 – 20 are also allowable, for at least the reason that these claims include all the elements of independent claim 17. *See In re Fine, supra*. Accordingly, Applicant respectfully requests that the rejection of claims 17 – 20 be withdrawn.

CONCLUSION

In summary, Applicant respectfully requests that all outstanding claim rejections be withdrawn. Applicant respectfully submits that presently pending claims 1 – 8 and 10 - 20 are allowable over the cited art and the present application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully solicited. Should the Examiner have any comment regarding the Applicant's response or believe that a teleconference would expedite prosecution of the pending claims, Applicant requests that the Examiner telephone Applicant's undersigned attorney.

Respectfully submitted,

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